

Movement of certain motor vehicles
(HB 1848 by Colbert/Brooks)

DIGEST: HB 1848 would have given police and other peace officers authority to have certain unattended, abandoned, or disabled motor vehicles moved from roadways, bridges, tunnels, or other well-traveled portions of the pavement to nearby garages or other secure locations in order to maintain unimpeded access or travel on public thoroughfares.

REASONS
FOR VETO: The governor stated that HB 1848 directly concerned the same subject matter as HB 423, which was also recommended by the Texas Department of Public Safety. In order to avoid a potential conflict in the relevant statutes, the governor signed HB 423 into law and vetoed HB 1848.

AUTHOR'S
VIEW: HB 1848 remains a useful and necessary piece of legislation and the governor's veto of the bill was based upon an inaccurate interpretation of the two bills, said Rep. Paul Colbert. Although HB 423 by Cooper does basically relate to the same general subject as HB 423, the Cooper bill was designed to provide a broad, statewide mandate, while HB 1848 was more local and specific in its effect, written especially to help solve certain problems peculiar to Houston roadways and law enforcement and traffic control personnel.

With respect to the special problems of Houston, HB 1848 provided a more flexible statutory definition of "highways" in order to allow Houston police officers to remove vehicle from alleys, bridges, causeways and tollways, as well as from the more conventional highways, said Rep. Colbert. HB 1848 would have also made certain that all vehicles moved were taken to authorized storage or garage facilities to preserve the possibility of future identification and/or recovery by the original owner. The bill would have also allowed peace officers, such as the sheriff and his deputies, as well as local police and state DPS troopers, to move and impound these vehicles.

The Houston police and sheriff's departments strongly support this legislation, Rep. Colbert said. He also stated that he would like to re-introduce this measure.

NOTES: HB 1848 passed the House on the Consent Calendar and was not analyzed in a Daily Floor Report.